

REMARKS

Claims 1-11 are pending in the application; the status of the claims is as follows:

Claims 1-5, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,178 B1 to Kazami ("Kazami") in view of U.S. Patent No. 4,945,424 to Hiroki et al ("Hiroki et al").

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Hiroki et al in further view of U.S. Patent No. 5,144,491 to Ushiro et al ("Ushiro et al")

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Ushiro et al.

Claim 6 is objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on December 7, 2000, is noted with appreciation. Applicant respectfully requests the Examiner's approval of the substitute formal drawings filed on February 9, 2001.

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-5, and 11 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki et al, is respectfully traversed because the combination fails to disclose the limitations of the rejected claims.

The Examiner further alleges that Kazami teaches “a controller for setting the electronic finder to the activated state when the electronic zoom is performed by the operation member,” but then contradicts itself stating “it can be seen that Kazami lacks . . . a controller which forcedly sets the electronic finder to the activated state when the electronic zoom is performed” (Office Action, page 2, lines 15-20). It is respectfully submitted that Kazami only teaches that a processed image is displayed on the electronic finder when an electronic zoom is performed, but provides no teaching whatsoever regarding putting the electronic finder into an active or inactive state.

In addition, the Examiner admits that Kazami fails to teach “a switching member for switching between an activated state and a deactivated state of the electronic finder,” but cites Hiroki to provide the missing features (Office Action, page 2, lines 17-19). It is respectfully submitted, however, that Hiroki also fails to teach the features missing from Kazami.

Hiroki teaches a video camera having a number of functional units, including a video camera, a television receiver, a video recording and reproducing unit, a liquid crystal display, and an electronic view finder (EVF). A number of user-operable buttons are provided to configure and use the video camera, e.g., U/V button 6, monitor button 7, VTR button 8, and camera button 9 (Hiroki, Fig. 2). Activating the buttons in various combinations causes the camera to assume different operating configurations (Hiroki, Table 1). However, Hiroki appears to teach that operation of liquid crystal display section 33(4) and back light section 33 are directly controlled by the positions of EXT/UHF/VHF switch 6 and monitor switch 7 (Hiroki, Figs. 4, 6, and 7).

Even assuming *arguendo* that Hiroki teaches turning portions of the camera ON or OFF as needed, it teaches to do so only in response to a user actively changing the operating configuration of the camera (Hiroki, column 2, lines 15-47). The camera does not turn any features ON or OFF automatically depending on whether a process is being performed. Hiroki cannot teach or suggest “a controller for setting the electronic finder to the activated state forcedly when the electronic zoom is performed by the operation member,” as required by claim 1. Therefore, claim 1 distinguishes the combination of Kazami and Hiroki.

With respect to claims 2-4, it is respectfully submitted that these claims depend from claim 1 and therefore distinguish over Kazami and Hiroki for at least the same reasons as provided with respect to claim 1.

With respect to claim 5, it is respectfully submitted that the combination of Kazami and Hiroki fail to teach, suggest, or otherwise disclose “a switching member for switching between an activated state and a deactivated state of the electronic finder” and “a controller for setting the electronic finder to the activated state forcedly” as provided herein above with respect to claim 1. Moreover, even assuming *arguendo* that these features are taught by the references, they still fail to teach all the limitations of claim 5. Kazami does not provide any teaching with regard to activating the LCD display. It is also factually incorrect that “whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a system as described by Kazami. Indeed, Doron, which is cited in the office action, teaches a camera viewfinder that enables a user to visualize “the optical and digital zooming effects selected by the user via [a] switch arrangement (Doron, abstract).” At most, Hiroki teaches that the EVF is turned on when a user actively changes an operating mode of the video camera (Hiroki, column 2, lines 15-47). Thus, neither Kazami nor Hiroki teach to turn on the EVF when some capability of the video camera is exceeded. Therefore, the combination fails to teach that the electronic finder is activated “when an effective magnification of one or both an

optical zoom of said zoom lens or said electronic zoom exceeds a magnification range of said optical finder.” Accordingly, claim 5 distinguishes over Kazami and Hiroki.

With respect to claim 11, it is respectfully submitted that for at least the same reasons as provided above in respect of claim 1, Kazami and Hiroki fail to teach, suggest, or disclose “setting said electronic finder to the activated state forcedly when the electronic zoom is performed.”

Accordingly, it is respectfully requested that the rejection of claims 1-5, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Hiroki et al, be reconsidered and withdrawn.

The rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki and in further view of Ushiro et al, is respectfully traversed based on the following.

With respect to claim 7, it is respectfully submitted that for at least the same reasons provided above in respect of claims 1 and 5, the combination of Kazami and Hiroki fail to teach or suggest “a switching member for switching between an activated state and a deactivated state of the electronic finder,” or “a controller for setting said electronic finder to the activated state when said magnification is determined to be outside a magnification range of the optical finder.” It is further submitted that Ushiro fails to supply the missing teachings. Therefore, claim 7 and claim 8, which depends from claim 7, distinguish over the combination of Kazami, Hiroki, and Ushiro.

Accordingly, it is respectfully requested that the rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Hiroki and in further view of Ushiro et al, be reconsidered and withdrawn.

The rejection of claims 9 and 10 under 35 U.S.C. § 103(a), as being unpatentable over Kazami in view of Ushiro et al, is respectfully traversed based on the following.

With respect to claim 9, it is respectfully submitted that the magnification range of the viewfinder is not inherently exceeded whenever the electronic zoom is activated (Doron, abstract). Therefore, Kazami fails to teach "an indicator for indicating a warning when said magnification is outside a magnification range of the optical finder." Ushiro also fails to teach this feature of claim 9. Therefore, claim 9 and claim 10, which depends from claim 9, distinguish over the combination of Kazami and Ushiro.

Accordingly, it is respectfully requested that the rejection of claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kazami in view of Ushiro et al, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

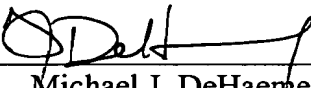
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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Respectfully submitted,

By: 
Michael J. DeHaemer
Registration No. 39,164
Attorney for Applicant

MJD/llb:jjk:bar
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3335
Main: (214) 981-3300
Facsimile: (214) 981-3400
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